

5-15-01

BEFORE THE
DUVAL COUNTY SCHOOL BOARD
JACKSONVILLE, FLORIDA

FILED

01 SEP 21 PM 2:24

DIVISION OF
ADMINISTRATIVE
HEARINGS

DUVAL COUNTY SCHOOL BOARD

AT

Petitioner,

vs.

DOAH NO: 00-3919

SYDRIA N. CARTER

NLN - CLOS

Respondent.

FINAL ORDER

This cause was heard upon due notice, and the Duval County School Board having heard argument for the respective parties, having considered the record before it together with these proceedings, and information from the State Attorney's Office that the respondent was not prosecuted on the same factual allegations, having considered the Recommended Order dated May 15, 2001, as entered by, Harry L. Hooper, Administrative Law Judge, Division of Administrative Hearings, having considered Respondent's Exceptions to Recommended Order received on May 25, 2001, and the Board specifically finding that all due process requirements of Chapter 120, Florida Statutes and the Duval County Teacher Tenure Act having been complied with, and further finding specifically that Sydria N. Carter has violated Rule 6B-1.006(3)(f) Florida Administrative Code through her failure to make reasonable effort to protect students from conditions harmful to their physical safety by denying a student's right to be free from being battered by his teacher and has further violated Section 4(e) of the Duval County Teacher Tenure Act, Chapter 21197, Laws of Florida (1941) as amended, it is

thereupon,

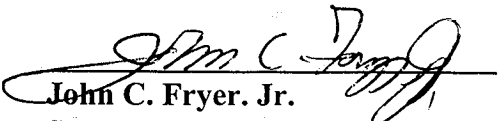
ORDERED:


- (1) That the Recommended Order dated May 15, 2001, entered by Harry L. Hooper, Administrative Law Judge, Division of Administrative Hearings, be and the same is hereby adopted and incorporated by reference as the Final Order of the Duval County School Board, both as to Findings of Fact and Conclusions of Law. Said adopted and incorporated Recommended Order is attached hereto as Exhibit A.
- (2) That the Respondent's Exceptions to Recommended Order received on May 25, 2001, are hereby rejected as being without merit.
- (3) That consistent with the provisions of the adopted Recommended Order (Exhibit A), the Respondent, Sydria N. Carter, shall be suspended without pay for one year, except that the suspension shall begin on the first day that the Respondent was suspended without pay in 2000 and shall end one year thereafter. The Respondent shall be returned to work on the first day after the suspension period ends so long as the Respondent has completed the anger management training as specified in the Recommended Order.

DONE and ORDERED this 4th day of September, 2001, in Jacksonville, Duval County, Florida.

DUVAL COUNTY SCHOOL BOARD

ATTEST


John C. Fryer, Jr.
Superintendent of Schools and
Ex-officio Secretary to the Board


Susan S. Wilkinson, Chairman

APPROVED BY BOARD
ON 9-4-01



STATEMENT REGARDING APPEAL

Pursuant to Section 6 of the Duval County teacher Tenure Act, Chapter 21197, Laws of Florida (1941) as amended, the Respondent may seek judicial review of this decision by certiorari to the Circuit Court, Fourth Judicial Circuit, in and for Duval County, Florida.

Application for a Writ of Certiorari must be applied for with ten (10) days after the teacher has been delivered a copy of this Order and a transcript of the evidence taken at the hearing.

A copy of the Transcript has been previously furnished to Respondent.

Copies to:

Ernst Mueller, Esquire
Assistant General Counsel
City of Jacksonville
117 West Duval, Suite 480
Jacksonville, FL 32202

David A. Hertz, Esquire
Duval Teachers United
1601 Atlantic Boulevard
Jacksonville, FL 32207

Harry L. Hooper
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060